

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2005-\_\_\_\_\_

NPDES NO. CA0082201

WASTE DISCHARGE REQUIREMENTS  
FOR  
KAWEAH RIVER ROCK CO.  
SAND AND GRAVEL PLANT  
TULARE COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. Kaweah River Rock Co. (hereafter Discharger) submitted a Report of Waste Discharge (ROWD), dated 22 April 2003, to renew its permit under the National Pollutant Discharge Elimination System (NPDES). Supplemental information to complete filing of the application was submitted on 8 May 2003.
2. The discharge was governed by Waste Discharge Requirements specified in Order No. 98-202, adopted by the Regional Board on 23 October 1998
3. The Discharger owns and operates a sand and gravel mining and processing plant. The plant is in the western 1/2 of Section 4, and the eastern 1/2 of Section 5, T18S, R27E, MDB&M. Discharges are to the St. Johns River, a water of the United States, and a tributary of the Kaweah River (at a point below Lake Kaweah), at the point, Latitude 36° 23' 56" and Longitude 119° 03' 50". Source water for the plant is from groundwater. The plant and discharge are within the Tulare Lake Basin, specifically within the Kaweah Delta Hydrologic Area (No. 558.10), as depicted on interagency hydrologic maps prepared by the California Department of Water Resources (DWR) in 1986.
4. The Discharger's effluent consists of groundwater that infiltrates into the sand and gravel quarry, and storm water. Groundwater and storm water are collected in a settling pond (Pond No. 1) prior to discharge to the St. Johns River via Discharge 001, as shown on Attachment A, a part of this Order. Discharge from the facility is intermittent, occurring only when the pump from Pond No. 1 is activated.
5. A portion of the pumped groundwater is diverted to a groundwater recharge system west of the facility and 600 feet north of the river. The groundwater recharge system is a drainage basin that consists of underground perforated pipes within a layer of gravel. The perforated pipes allow water to drain into the surrounding gravel layer and percolate into the local groundwater aquifer.
6. Wash water that is generated from processing is discharged to a second settling pond (Pond No. 2) and recycled. Pond No. 2 is about 600 feet from the eastern boundary of the plant. (Wash water does not discharge to the St. Johns River.)

7. The Discharger's ROWD describes the discharge as follows for 1999 through 2002:

Average Flow: 0.72 million gallons per day (mgd). Maximum Flow: 1.74 mgd:

<u>Constituent</u>	<u>Units</u>	<u>Long Term Average</u>	<u>Maximum Monthly Average</u>
Total Suspended Solids	mg/L	2.5	12
pH	Standard units	7.6	7.8
Conductivity @ 25°C (EC)	µmhos/cm	460	529

8. Monthly monitoring data submitted by the Discharger for January 1999 through December 2003 indicates the discharge has the following characteristics:

<u>Constituent</u>	<u>Average Weekly</u>			<u>Daily</u>
	<u>Average</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
EC (µmhos/cm)	489.5	770	48	770
TSS <sup>1</sup> (mg/L)	8.5	29	4	29
Settleable Solids <sup>2</sup> (mL/L)	9	9	9	9
pH (Std units)	--	8.1	6.7	8.1
Oil and Grease <sup>3</sup> (mg/L)	--	--	--	ND

<sup>1</sup> Average for TSS is based on detected values only. 161 out of 236 (68%) of sample results were non-detect.

<sup>2</sup> Only 1 detect out of 236 samples, 99.6% of sample results were reported as ND. Based on one detect of 9 mL/L.

<sup>3</sup> The Discharger is required to monitor oil and grease annually; however, only one sampling data point for oil and grease was available, taken October 2000.

9. Monthly receiving water monitoring data submitted by the Discharger for January 1999 to December 2003 indicates that St. Johns River, in the vicinity of the facility, has the following characteristics:

<u>Constituent</u>	<u>R1</u>				<u>R2</u>			
	<u>n</u>	<u>Average</u>	<u>Max</u>	<u>Min</u>	<u>n</u>	<u>Average</u>	<u>Max</u>	<u>Min</u>
EC (µmhos/cm)	287	109.5	141.25	72.7	338	183.2	250.3	142.6
pH (std units)	151	--	8.2	6.8	233	--	8.2	7.0
Turbidity (NTU)	151	2.9	106 <sup>1</sup>	0	238	2.6	95 <sup>1</sup>	0

<sup>1</sup> Heavy rain event in November 2002

10. The permitted maximum effluent flow rate will be reduced from 2.25 mgd specified in Order No. 98-202 to 1.99 mgd at the request of the Discharger. Between 1999 and 2002, the maximum flow reported was 1.74 mgd due largely to heavy rains, as indicated below:

<u>Year</u>	<u>Minimum Flow Reported</u> (mgd)	<u>Maximum Flow Report</u> (mgd)	<u>Average Annual Flow</u> (mgd)
1999	0.21	1.45	0.75
2000	0.12	<b>1.74</b>	0.82
2001	0.15	1.45	0.69
2002	0.16	1.38	0.62

11. Domestic waste generated onsite is discharged to a septic tank/leach field system regulated by Tulare County.
12. Depth to the first encountered groundwater (unconfined) in the area ranges from 10 to 20 feet below ground surface (bgs). Groundwater flows to the west and southwest; and it is of high quality with an EC of about 350 µmhos/cm.
13. Shallow soils in the area consist of young and old alluvial deposits. The young alluvium consists of fluvial gravelly sand, silty sand, silt, and clay deposited to a depth of 30 to 40 feet bgs. The old alluvium underlies the young alluvium and consists of fine to very coarse gravel, sand, silt, and clay.
14. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition*—1995 (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve WQOs for all waters of the Basin. This Order implements the Basin Plan.
15. USEPA adopted the *National Toxics Rule* (NTR) on 5 February 1993 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. The State Water Resources Control Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan (SIP)), which contains guidance on implementation of the NTR and the CTR.

#### RECEIVING WATER BENEFICIAL USES

16. The Basin Plan at page II-2.00 states: “The existing and probable beneficial uses which currently apply to surface waters of the basins are presented in Figure II-1 and Table II-1. The beneficial uses of any specifically identified water body generally apply to its tributary streams.” The Basin Plan does not specifically list beneficial uses for the St. Johns River; however, it is a Valley Floor Water.

The Basin Plan designates the beneficial uses of Valley Floor Waters (Hydrologic Area 558.10) as:

- agricultural supply (AGR);
- industrial service supply (IND);
- industrial process supply (PRO);
- water contact recreation (REC-1);
- non-contact water recreation (REC-2);
- warm freshwater habitat (WARM);
- wildlife habitat (WILD);
- support of rare, threatened, or endangered species (RARE); and
- groundwater recharge (GWR).

#### **EFFLUENT LIMITATIONS AND REASONABLE POTENTIAL ANALYSES**

17. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto that are applicable to the discharge are contained herein.
18. According to Section 1.2 of the SIP, the Discharger must report data for all the priority pollutants listed in the CTR. The data are used to determine reasonable potential for these constituents to cause or contribute to an exceedance of applicable water quality criteria and to calculate effluent limitations. On 27 February 2001 the Discharger was directed to conduct a receiving water and effluent monitoring study in accordance with the SIP. The Discharger submitted most of the required monitoring data, but did not submit any data for acrolein, acrylonitrile, 2-chloroethylvinyl ether, benzidine, 1,2-diphenylhydrazine, hexachlorocyclopentadiene, and n-nitrosodimethylamine. This Order requires the Discharger to provide the missing data.
19. Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application and as directed by monitoring and reporting programs the Regional Board finds that the discharge does have a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for EC. A summary of the monitoring data used to make this determination is included in the Information Sheet and Attachment B. Effluent limitations for EC are included in this Order.
20. **EC, Chloride and Boron:** Water from St. Johns River is used for crop irrigation. The Basin Plan states that EC for the Kaweah River reach below Lake Kaweah must not exceed 175  $\mu\text{mhos/cm}$  during the irrigation season. The St. Johns River is a tributary of the Kaweah River below Lake Kaweah, and therefore part of the Kaweah River reach. The irrigation season

in the Tulare Lake Basin area typically extends 9 to 10 months or between the months of late March through November of each year.

21. The Discharger's monitoring data submitted under Order No. 98-202 shows that for EC, the maximum effluent concentration was 770  $\mu\text{mhos/cm}$  and the average discharge concentration was 488.3  $\mu\text{mhos/cm}$ . The monitoring data show that the wastewater discharge regularly causes significant increases in the Saint Johns River EC, as follows:

<b>Year</b>	<b>Month</b>	<b>Upstream EC</b>	<b>Downstream EC</b>	<b>Effluent EC</b>
2003	January	86	232	575
	February	86	153	560
	March	164	272	448
	April	No flow	No flow	580
	May	60	111	573
	July	53	89	545
	August	75	157	525
	September	95	135	518
	October	No flow	No flow	478
	November	No flow	No flow	525
	December	89	228	533
2002	January	161	236	475
	February	136	240	613
	March	157	301	528
	April	103	231	493
	May	71	139	520
	June	52	103	530
	July	48	149	513
	August	72	222	523
	September	No flow	No flow	488
	October	No flow	No flow	483
	November	90	220	605
	December	89	261	533

22. Page IV-9, Discharges to Navigable Waters, of the Basin Plan requires at a minimum, discharges to surface waters to comply with the following effluent limits:
- Maximum EC not to exceed the quality of the source water plus 500  $\mu\text{mhos/cm}$  or 1,000  $\mu\text{mhos/cm}$ , whichever is more stringent, and
  - Discharges shall not exceed an EC of 1,000  $\mu\text{mhos/cm}$ , a chloride content of 175 mg/L or a boron content of 1.0 mg/L.

23. On several occasions the discharges have caused excursions of the Basin Plan EC objective of 175  $\mu$ mhos/cm during the irrigation season. Due to these excursions, the discharge has reasonable potential to cause exceedances of water quality criteria or objectives. To ensure compliance with the Basin Plan objective, this Order includes a receiving water limitation of 175  $\mu$ mhos/cm for EC applicable during the irrigation season (April 1 through November 30 of each year) based on AGR. To comply with Section IV of the Basin Plan, this Order establishes a maximum EC effluent limitation of 1,000  $\mu$ mhos/cm.
24. This Order requires the Discharger to monitor its effluent to characterize chloride and boron to evaluate whether effluent limits are necessary. If the data indicates that chloride or boron are present in concentrations that have the reasonable potential to cause an excursion above a water quality objective, this Order will be reopened to include effluent limitations for these constituents.
25. **pH** – The Basin Plan includes numeric water quality objectives that the pH “...*not be depressed below 6.5, raised above 8.3, or changed at any time more than 0.3 units from normal ambient pH.*” St. Johns River is subject to periods of little to no flow, at which times there is no assimilative capacity. Therefore, this Order requires the effluent pH to be within 6.5 to 8.3 units.
26. Order No. 98-202 specifies effluent limitations for total suspended solids, settleable solids, and oil and grease that reflect technology-based limits developed using best professional judgment. Results of water quality monitoring indicate detected concentrations of these constituents in the discharge do not result in reasonable potential for the discharge to exceed water quality criteria or objectives. Therefore, technology based limitations are protective of the water quality objectives contained in the Basin Plan. This Order carries over these effluent limitations established by the previous Order.
27. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.
28. The Basin Plan states that; “The numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect the beneficial uses.” This Order contains Receiving Water Limitations based on the Basin Plan numerical and narrative water quality objectives for Biostimulatory Substances, Chemical Constituents, Color, Dissolved Oxygen, Floating Material, Oil and Grease, pH, Pesticides, Radioactivity, Salinity, Sediment, Settleable Material, Suspended Material, Tastes and Odors, Temperature, Toxicity and Turbidity.

#### GROUNDWATER LIMITATIONS

29. The beneficial uses of the underlying groundwater, as identified in the Basin Plan for the Kaweah Basin Detailed Analysis Unit (DAU) 242 are: MUN, AGR, IND, PRO, REC-1, and REC-2.
30. The groundwater recharge system and unlined settling ponds both discharge to underlying groundwater.
31. Water quality objectives for groundwater include narrative objectives for chemical constituents and toxicity. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, or animals. The chemical constituent objective states groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use.
32. For groundwaters designated as MUN, the Basin Plan establishes numerical objectives for bacteria and for chemical constituents related to drinking water quality. Numerical water quality objectives related to drinking water quality include maximum contaminant levels (MCLs) in Title 22, CCR (i.e., Section 64431 (Inorganic Chemicals); Section 64431 (Fluoride); Section 64443 (Radioactivity); Section 64444 (Organic Chemicals); and Section 64449 (Secondary MCLs - Consumer Acceptance Limits)).
33. There is discharge to underlying groundwater from the groundwater recharge operations and unlined settling ponds. Iron and manganese are present in most soils in relatively insoluble forms. Under reducing (anaerobic) conditions these constituents are converted to soluble forms that can readily migrate to groundwater in water percolating beneath ponds or through disposal site soils. This can result in iron and manganese groundwater concentrations that exceed applicable MCLs. A Regional Board investigation conducted in the early 1990's confirmed that conditions conducive to the conversion of insoluble iron and manganese to more soluble forms can occur in gravel mining recycle and wash water ponds. Anecdotal data from sites where organic wastes are land applied indicate that arsenic in the soil column is also converted under reducing conditions to more soluble forms and leached to groundwater at levels exceeding MCLs.

Monitoring of the groundwater must be conducted to determine if the discharge has caused an increase in constituent concentrations, when compared to background. The monitoring must, at a minimum, require a complete assessment of groundwater impacts including the vertical and lateral extent of any degradation, an assessment of all wastewater-related constituents which may have migrated to groundwater, an analysis of whether additional or different methods of treatment or control of the discharge are necessary to provide best practicable treatment or control to comply with Resolution No. 68-16. If monitoring indicates that the discharge has incrementally increased constituent concentrations in groundwater above background, this permit may be reopened and modified.

#### **STORM WATER**

34. Storm water from the facility is combined with infiltrated groundwater and discharged to the St. John's River through Outfall 001, subject to the requirements of this Order. Additional storm water requirements are not necessary as long as all storm water is collected and discharged through Outfall 001. If storm water is discharged from the facility in any other manner, the Discharger will need to obtain coverage under the California Industrial Storm Water General Permit, NPDES No. CAS000001.

### GENERAL FINDINGS

35. Section 13267 of the California Water Code states, in part, "(a) A regional board, in establishing...waste discharge requirements... may investigate the quality of any waters of the state within its region" and "(b) (1) In conducting an investigation..., the regional board may require that any person who... discharges... waste...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The attached Monitoring and Reporting Program is issued pursuant to California Water Code Sections 13267 and 13383. The groundwater monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program are necessary to determine compliance with these waste discharge requirements. The Discharger is responsible for the discharges of waste at the facility subject to this Order.
36. The information in the attached Information Sheet was considered in developing the Findings of this Order. The Information Sheet, Monitoring and Reporting Program No. R5-2005-\_\_\_\_, and Attachments A through C are a part of this Order.
37. The U.S. Environmental Protection Agency (USEPA) and the Regional Board have classified this discharge as a minor discharge.
38. The action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq.*) in accordance with Section 13389 of the California Water Code.
39. The Discharger and interested agencies and persons were notified of the intent to prescribe waste discharge requirements for this discharge and provided with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
40. In a public meeting, all comments pertaining to the discharge were heard and considered.
41. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided USEPA has no objections. If USEPA objects to the NPDES permit aspects of this Order, discharge to the St. Johns River shall be prohibited until the objection is resolved. The objection shall not void other aspects of this Order.



**IT IS HEREBY ORDERED** that Order No. 98-202 is rescinded and pursuant to CWC Sections 13263, 13267, 13337, and 13383, Kaweah River Rock Company, their agents, successors and assigns, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

[Note: Other prohibitions, conditions, definitions, and some methods of determining compliance are contained in the attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (National Pollutant Discharge Elimination System)" dated March 1991.]

**A. Discharge Prohibitions:**

1. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
2. The by-pass or overflow of wastes is prohibited, except as allowed by Standard Provision A.13. [See attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)"].
3. The discharge of wash water to surface waters is prohibited.

**B. Effluent Limitations:**

1. Effluent shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Average Monthly Limit</u>	<u>Maximum Daily Limit</u>
Total Suspended Solids	mg/L	25	45
Settleable Solids	mL/L	0.1	0.5
Oil and grease	mg/L	---	35
EC	µmhos/cm	--	1,000

2. The discharge shall not have a pH less than 6.5 standard units nor greater than 8.3 standard units.
3. The daily maximum discharge flow shall not exceed 1.99 mgd.
4. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay - - - - - 70%  
 Median for any three or more consecutive bioassays - - - - 90%

**C. Receiving Water Limitations**

Receiving Water Limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit. The discharge shall not cause the following in the receiving water:

1. Un-ionized ammonia to be present in amounts that adversely affect beneficial uses or that exceed 0.025 mg/L (as N).
2. Biostimulatory substances to be present in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
3. The fecal coliform concentration in any 30-day period to exceed a geometric mean of 200 MPN/100 mL or cause more than 10 percent of total samples to exceed 400 MPN/100 mL.
4. Discoloration that causes nuisance or adversely affects beneficial uses.
5. Concentrations of dissolved oxygen to fall below 5.0 mg/L. The monthly median dissolved oxygen concentrations in the main water mass (at centroid of flow) of streams to fall below 85 percent of saturation concentration, and the 95 percentile concentration to fall below 75 percent of saturation concentration.
6. Floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that create a nuisance or adversely affect beneficial uses.
7. Oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
8. The pH of water to fall below 6.5, exceed 8.3, or changed at any time more than 0.3 units from normal ambient pH.
9. Pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.
10. Radionuclides to be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor which result in accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
11. The conductivity during the irrigation season to exceed 175  $\mu$ mhos/cm.

12. Suspended sediment load and the suspended sediment discharge rate to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
13. Settleable material in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.
14. Suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
15. Taste or odor-producing substances in concentrations that cause nuisance, adversely affect beneficial uses, or impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to domestic or municipal water supplies.
16. The ambient temperature to increase more than 5°F.
17. Toxic substances to be present in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.
18. Changes in turbidity that cause nuisance or adversely affect beneficial uses. The turbidity to increase as follows:
  - a. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.
  - b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
  - c. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.
  - d. More than 10 percent where natural turbidity is greater than 100 NTU.
19. Violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board pursuant to the Clean Water Act and regulations adopted thereunder.

**D. Groundwater Limitations**

Release of waste constituents from any storage, treatment, or disposal component shall not, in combination with other sources of the waste constituents, cause groundwater within influence of the facility and discharge area(s) to contain waste constituents in concentrations in excess of background quality.

**E. Provisions**

1. Facility ponds shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
2. The Discharger shall comply with Monitoring and Reporting Program No. **R5-2005-\_\_\_\_\_**, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.

When requested by USEPA, the Discharger shall complete and submit Discharge Monitoring Reports to USEPA. The submittal date shall be no later than the submittal date specified in the Monitoring and Reporting Program for Discharger Self Monitoring Reports.

3. The Discharger shall comply with all the items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)," dated March 1991, which are part of this Order.
4. The Discharger shall conduct the chronic toxicity testing specified in the Monitoring and Reporting Program. If the testing indicates that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the water quality objective for toxicity, the Discharger shall initiate a Toxicity Identification Evaluation (TIE) to identify the causes of toxicity. Upon completion of the TIE, the Discharger shall submit a workplan to conduct a Toxicity Reduction Evaluation (TRE) and, after Regional Board evaluation, conduct the TRE. This Order will be reopened and a chronic toxicity limitation included and/or a limitation for the specific toxicant identified in the TRE included. Additionally, if a chronic toxicity water quality objective is adopted by the State Water Resources Control Board, this Order may be reopened and a limitation based on that objective included.
5. **Groundwater Monitoring Tasks.** The Discharger shall submit a *Monitoring Well Installation Work Plan* consistent with, and including the items listed in Section 1 of Attachment C, *Requirements for Monitoring Well Installation Work Plans and Monitoring Well Installation Reports*. The work plan shall describe a proposed groundwater monitoring well network containing one or more background monitoring wells and sufficient number of designated monitoring wells to evaluate compliance with this Order's groundwater limitations. These include monitoring wells immediately downgradient of representative treatment, storage, and disposal units that do or may release waste constituents to groundwater.

The network's monitoring wells shall be constructed to yield representative samples from the first saturated zone, and deeper zones as necessary, to evaluate the discharge's impact on groundwater. All wells shall comply with appropriate standards as described in *California Well Standards Bulletin 74-90* (June 1991) and *Water Well Standards: State of*

*California Bulletin 94-81* (December 1981), and any more stringent standards adopted by the Discharger or county pursuant to CWC Section 13801.

The Discharger shall install approved monitoring wells, properly destroy ineffective wells (as necessary), and monitor groundwater in accord with this Order's MRP. Following well installation, the Discharger shall submit a *Monitoring Well Installation Report* consistent with, and include the items listed in, Section 2 of Attachment C, *Requirements for Monitoring Well Installation Work Plans and Monitoring Well Installation Reports*.

After the first sampling event, the Discharger shall report on its sampling protocol as specified in this Order's MRP. After one year of monitoring, the Discharger shall characterize natural background quality of monitored constituents in a technical report. The report shall present a summary of monitoring data and determine natural background quality for each parameter/constituent identified in the MRP based on data from at least eight consecutive groundwater monitoring events using the methods described in Title 27, Section 20415(e)(10). For each parameter/constituent, the report shall compare measured concentrations in wells used to monitor impacts from the discharge against the calculated natural background concentration.

The Discharger shall comply with the following compliance schedule in implementing the work required by this Provision:

<u>Task</u>	<u>Description</u>	<u>Compliance Date</u>
a.	Submit a <i>Monitoring Well Installation Work Plan</i>	1 August 2005
b.	Implement monitoring well installation work plan	<b>30 days</b> following completion of task a
c.	Complete monitoring well installation commence groundwater monitoring from newly installed wells	<b>60 days</b> following completion of task b
d.	Submit <i>Monitoring Well Installation Report</i>	<b>30 days</b> following completion of task d
e.	Submit technical report on sampling procedures and proposed Data Analysis Methods as described in the MRP	<b>1<sup>st</sup> day of the second month</b> following the first sampling event

- f. Submit technical report: natural background quality **365 days** following completion of task e

Technical reports submitted pursuant to this Provision shall be subject to the requirements of Provision E.6 and are subject to Executive Officer approval.

6. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, Sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
7. By **28 June 2005**, the Discharger shall sample twice and submit the results for effluent and receiving water for acrolein, acrylonitrile, 2-chloroethylvinyl ether, benzidine, 1,2-diphenylhydrazine, hexachlorocyclopentadiene, and n-nitrosodimethylamine. Reporting shall conform with SIP Reporting Requirements, Section 2.4 et seq. In particular, the reported MLs shall be at least as low as the lowest ML for each priority pollutant specified in Appendix 4 of the SIP.

If, after review of the results, it is determined that the discharge has reasonable potential to cause or contribute to an exceedance of a water quality objective this Order will be reopened and effluent limitations added for the subject constituents.

8. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Regional Board and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

9. The Board may modify or reopen this Order prior to its expiration date in any of the following circumstances:

- a. If present or future investigations demonstrate that the discharge governed by this Order has a reasonable potential to cause or contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters;
  - b. New or revised water quality objectives (WQOs) come into effect for the receiving water. In such cases, effluent limitations in this permit will be modified as necessary to reflect updated WQOs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs or as otherwise permitted under federal regulations governing NPDES permit modifications;
  - c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified. The Discharger may request permit modification on this basis. The Discharger shall include in any such request an antidegradation and anti-backsliding analysis.
10. Prior to making any change in the discharge point, place of use, or purpose of use of the wastewater, the Discharger shall obtain approval of, or clearance from the State Water Resources Control Board (Division of Water Rights).
  11. The permit provisions of this Order expire on **28 April 2010**, and the Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, and a complete USEPA application form no later than 180 days in advance of the expiration for renewal of the NPDES permit if it wishes to continue discharge to the St. Johns River. Non-NPDES aspects of this Order implemented in accord with CWC sections 13263 and 13267 do not expire. Failure to file for renewal shall not rescind authorization to discharge to land in accordance with terms and conditions specified herein.

I, THOMAS R. PINKOS, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

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THOMAS R. PINKOS, Executive Officer